

Serial No. 10/040,098
Attorney Docket No: RPC 0570 PUS

REMARKS

Claims 1-23 are pending and rejected. Applicant has amended claims 6, 8, 19 and 21 to address minor antecedent basis issues raised by the Examiner. Claims 24-26 are new.

The Examiner has rejected all of the pending claims as obvious over a published application by the current inventor, William Apps, (WO 00/01588) in view of Adedeji et al (US 2001/0031807). Adedeji discloses a pallet made entirely of fire retardant plastic, generally in the manner described in Applicant's Background of the Invention section. As indicated in Applicant's Background of the Invention section, and as the Examiner admits, Adedeji does not teach making the different pallet components of materials of different fire retardancy.

Applicant is not required to show the "criticality" of varying the fire retardancy of the different components of the claimed pallet, as the Examiner suggests. Rather, in order to find the claims obvious, the Examiner must show some motivation or suggestion in the art for varying the fire retardancy among the various pallet components. The Examiner has cited none and there is none. Therefore, this obviousness rejection should be withdrawn.

As indicated in Applicant's Background of the Invention section, fire retardant materials such as those used in Adedeji are expensive. Contrary to the teachings of the prior art, Applicant has determined that it is not necessary to construct the entire pallet from the more fire retardant materials. Rather, as claimed, only selected components need be constructed from the more costly, more fire retardant materials. Thus, the benefits of the more fire retardant materials can be obtained in a plastic pallet at a

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reduced cost. There is no suggestion for this in the cited prior art. Therefore, all of the pending claims should be allowed.

Additionally, not only do the claims recite varied levels of fire retardancy, all of the pending claims specify which pallet components are to be the more fire retardant materials and which components can be made of the less expensive less fire retardant materials. Nothing in the cited prior art discloses or suggests which components of the pallets should be the higher or lower fire retardant materials. Therefore, all of the pending claims should be allowed.

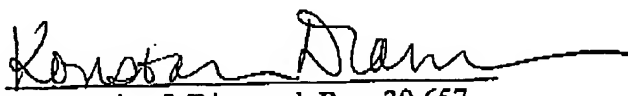
New independent claim 24 recites "the second deck member having a second predetermined fire retardancy higher than the first predetermined fire retardancy." As indicated above, this is neither disclosed by nor obvious in light of the prior art.

New independent claim 26 recites "the plurality of supports having a second predetermined fire retardancy less than the first predetermined fire retardancy." As indicated above, this is neither disclosed by nor obvious in light of the prior art.

Please charge \$226 (including two new independent claims \$172 and three new claims total \$54) to Deposit Account No. 50-1984. If any additional fees are due, please charge all fees to Deposit Account No. 50-1984.

Respectfully submitted,

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